

Jesse Merrithew, OSB No. 074564
Email: jesse@lmhlegal.com
Viktoria Lo, OSB No. 175487
Email: viktoria@lmhlegal.com
Levi Merrithew Horst PC
610 SW Alder Street, Suite 415
Portland, Oregon 97205
Telephone: (971) 229-1241
Facsimile: (971) 544-7092

Juan C. Chavez, OSB No. 136428
Email: jchavez@ojrc.info
Franz Bruggemeier, OSB No. 154030
Email: FBruggemeier@ojrc.info
Alex Meggitt, OSB No. 174131
Email: ameggitt@ojrc.info
Oregon Justice Resource Center
PO Box 5248
Portland, OR 97208
Telephone: 503 944-2270
Facsimile: 971-275-1839

J. Ashlee Albies, OSB No. 051846
Email: ashlee@albiesstark.com
Whitney B. Stark, OSB No. 090350
Email: whitney@albiesstark.com
Maya Rinta, OSB No. 195058
Email: maya@albiesstark.com
Albies & Stark LLC
1 SW Columbia St. Suite 1850
Portland, Oregon 97204
Telephone: (503) 308-4770
Facsimile: (503) 427-9292

Attorneys for Plaintiffs

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal corporation,

Defendant.

Case No. 3:20-cv- 00917-HZ

DECLARATION IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION

I, Michelle "Misha" Belden, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am one of the named-Plaintiffs, and proposed class representatives in this case. I make this declaration in support of Plaintiffs' motion for class certification.
3. I have been informed of the responsibilities of a class representative.

4. In general terms, I understand the claims in the case.
5. I attended protests between May and November 2020 in support of the Black Lives Matter movement. Between May 29, 2020 and November 15, 2020, I estimate I attended two to three protests per week for a total of at least 25 and up to 30 protests.
6. I am concerned about the City's pattern and practice of harming police accountability protesters.
7. I am able and willing to serve as a class representative.
8. If appointed, I will stay informed and actively participate in the case. I will keep in contact with my lawyers. I will put the interests of the class first.
9. I have lived in Portland since 2017. I work as an event and welcome desk coordinator at a nonprofit. I use They/Them pronouns.
10. I attended my first protest in Portland on May 29, 2020. I went out frequently between the May and November 2020, and cannot recall every date I went out, but I do recall specifics about protests and PPB's response on June 2nd to early morning of June 3, June 9, June 10, June 12, August 10, and September 5.
11. I have personally experienced tear gassing on a number of occasions. Generally, when tear gassed, I experienced asphyxiation, pain in my eyes, nose, and lungs, significant coughing and mucus from my nose, and the feeling of wanting to vomit. These symptoms persisted for up to an hour, sometimes less depending on the level of exposure. Tear gas has also disrupted my menstrual cycle.
12. My conduct at protests never rose above passive resistance. I never threw objects at the police or destroyed property. I carried a medic bag at every protest to provide first aid. I was tear gassed, nonetheless. While the effects were not as severe as being present when the tear gas was deployed, I live near the Penumbra Building in East Portland, which exposed me to tear gas from

their house.

13. I experienced tear gas a majority of the nights I protested in Portland during this time.
14. The persistent indiscriminate violence and force from PPB discouraged me and made me fear attending future protests.
15. On the evening of June 2, I marched to a point near SW 3rd and SW Salmon in Downtown Portland around 7:00 pm. The crowd was peaceful. The crowd did not confront the police, just the fence lining the perimeter. PPB announced that people should “clear the fence.” Then suddenly and without warning, PPB began launching explosives and tear gas into the crowd. One went off next to me, and I ran away. While I tried to get away from the tear gas, PPB continued to tear gas any person they saw indiscriminately. I saw a protester with a huge gash on his leg. I also saw PPB use flashbangs indiscriminately this evening.
16. On the night of June 9, I arrived downtown by the Chapman square on SW 3rd and Main by the Multnomah County Justice Center at around 9:00 pm. I stayed there until around 1:00 am. There was a fence surrounding the parks. The crowd outside the Justice Center was peaceful save for a few people rattling the fence. At around midnight, the crowd dwindled but remained peaceful. Then without warning PPB fired flashbangs and chemical irritants into the crowd. The tear gas formed a thick fog. I ran away while PPB continued to fire tear gas and flashbangs.
17. On the night of June 10, I arrived downtown at around the same time and location as the night before. Once again, the crowd was peaceful. Some people did go inside the fenced in area to streak naked in defiance of the closing of the public area. Once again, PPB retaliated with tear gas and flashbangs. I also experienced a second salvo of OC spray and flashbangs.
18. On the night of June 12, I arrived downtown at around 8:00 pm. Again, the entire protest crowd peacefully gathered by the fence then got tear gassed after rattling the fence. After nights of getting tear gassed and attacked by PPB, I had decided to keep further away from the fence, I

still felt the effects of tear gas, nonetheless.

19. On the night of August 10, I arrived in a park near NE Killingsworth around 10:00 pm and marched toward PPB's North Precinct. PPB's chemical munitions were again deployed, this time by residential neighborhoods.

20. The next memorable night at a protest was September 5. I arrived later in the evening. Belden marched with a crowd but was dispersed by tear gas. While there were reports of Molotov Cocktails being thrown, I did not see anyone throw one. I was pretty far back of the crowd because I had arrived late. Even from my position in the crowd however I experienced the tear gas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 13, 2022.



Michelle Belden (Jan 14, 2022 10:47 PST)

Michelle Belden